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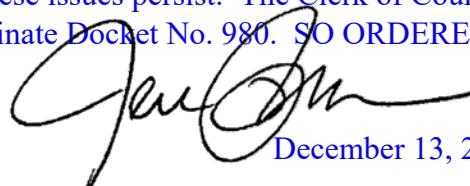
December 13, 2022

Hon. Jesse M. Furman
Judge, United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Joshua A. Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

The Court can't think of any reason that the Government's communications with the MDC about the Defendant's physical and mental health should exclude defense counsel. That said, the Court would prefer to leave the issue to counsel's good judgment and discretion. Accordingly, the request for an order is denied - though without prejudice in the event that these issues persist. The Clerk of Court is directed to terminate Docket No. 980. SO ORDERED.



December 13, 2022

I write on behalf of Joshua A. Schulte and in response to the Court's Order of December 12, 2022.

Immediately upon receiving the Court's Order and the two letters sent to the Court by Mr. Schulte, I tried to contact the BOP. I telephoned the legal department. No one answered the phone. There is no voicemail option available, and I could not leave a message. I emailed legal and got no reply. I emailed the BOP group email asking for a response and for an emergency legal call. I received no response. I repeated the entire procedure again this morning – and was told by the person who answered the MDC phone that no one in legal answers the phone and no voice mail is available. The person declined to give me her name.

Yesterday at 3:44 p.m. I also emailed the prosecutors who replied to me this morning. Prior to my 3:44 p.m. email to the government, I had already emailed the government asking yet again (it has been two months of asking) when Mr. Schulte would be allowed to view the discovery; the government has yet to provide a firm date by which Mr. Schulte can view the evidence against him.

In its email this morning, the government informed that it had emailed the BOP, attached the Court's Order and Mr. Schulte's letter, and *had received a response from the BOP*. I asked the government for a copy of those emails and also asked that they copy Mr. Schulte's counsel on future emails between the BOP and the government about our client's medical issues. The request, I made clear, was limited to being copied on emails regarding Mr. Schulte's health and the BOP's response to the medical issues. The government refused to do so. I note that defense counsel copies the government and BOP on our emails on medical issues because doing so helps protect Mr. Schulte's health and safety.

Because the BOP is not as responsive to the defense as it is to the government; because Mr. Schulte's medical health is not a topic that is privileged between the BOP and the prosecutors; because the parties have been ordered to meet and confer; and because Mr. Schulte's counsel (and by extension his mother and father) have a need to know what the BOP is doing for Mr. Schulte on this topic, we ask the Court Order that we be copied on all emails between the prosecutors and the BOP regarding Mr. Schulte's physical and mental health. The request is narrow and limited.

Respectfully submitted,

/s/ Sabrina Shroff
Counsel to Joshua A. Schulte

cc: Joshua Schulte, MDC
BOP Legal